

PILLSBURY WINTHROP SHAW PITTMAN LLP
BRUCE A. ERICSON #76342
bruce.ericson@pillsburylaw.com
JEFFREY JACOBI #252884
jeffrey.jacobi@pillsburylaw.com
Four Embarcadero Center, 22nd Floor
Post Office Box 2824
San Francisco, CA 94126-2824
Telephone: (415) 983-1000
Facsimile: (415) 983-1200

Attorneys for Defendant,
WELLS FARGO & COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JAMES L. TURKLE TRUST and GERALD
GILBERTI, individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

WELLS FARGO & COMPANY, a Delaware
Corporation, and DOES 1-100,

Defendants.

No. C-15-000403-CW

**STIPULATION TO DISMISS CASE
WITH PREJUDICE PURSUANT TO
FED. R. CIV. P. 41(A)(2); AND
~~PROPOSED~~ ORDER**

RECITALS

A. This case (“*Turkle Trust II*”) is substantially similar to *James L. Turkle Trust v. Wells Fargo & Company*, Case No. C-11-06494-CW (N.D. Cal.) (“*Turkle Trust I*”).

B. *Turkle Trust I* was dismissed in 2012. *James L. Turkle Trust v. Wells Fargo & Co.*, No. C-11-6494-CW, 2012 WL 2568208 (N.D. Cal. July 2, 2012).

C. That dismissal was appealed. 9th Cir. Docket No. 12-16629.

D. On February 5, 2015, Magistrate Judge Corley signed and entered as an order in *Turkle Trust II* the parties’ Stipulation to Stay Case Pending Resolution of Related Appeal, *Turkle Trust II* Dkt. 8.

E. On February 10, 2015, the panel assigned to hear the *Turkle Trust I* appeal affirmed the judgment of the district court. *James L. Turkle Trust v. Wells Fargo & Co.*, ___ Fed. Appx. ___, No. 12-16629, 2015 WL 528004 (9th Cir. Feb. 10, 2015).

F. Nobody filed a petition for rehearing or hearing *en banc* within the time set by Fed. R. App. P. 35, 40 and 9th Cir. R. 35-1 to 35-3, 40-1.

G. The Ninth Circuit’s mandate issued on March 5, 2015 and was filed in the district court in *Turkle Trust I* the same day.

H. In light of the foregoing, the parties believe it would be appropriate to stipulate to the dismissal of *Turkle Trust II*.

STIPULATION

Accordingly, all parties, through their counsel of record, hereby stipulate and request that the Court enter an order pursuant to Fed. R. Civ. P. 41(a)(2) dismissing this action (*Turkle Trust II*) with prejudice as to the named plaintiffs only, each side to bear its own attorneys’ fees and costs.

Dated: April 1, 2015.

1 ROBERT C. SCHUBERT
2 WILLEM F. JONCKHEER
3 NOAH SCHUBERT
4 SCHUBERT JONCKHEER & KOLBE LLP
5 Three Embarcadero Center, Suite 1650
6 San Francisco, CA 94111

7 EDWIN C. SCHREIBER
8 ERIC A. SCHREIBER
9 SCHREIBER & SCHREIBER, INC.
10 16501 Ventura Boulevard, Suite 401
11 Encino, CA 91436-2068

12 By /s/ Willem F. Jonckheer

13 Attorneys for Plaintiffs

14 Dated: April 1, 2015.

15 Pursuant to N.D. Cal. Civ. L.R. 5-1(i)(3), the undersigned filer of this document
16 attest that concurrence in the filing of this document has been obtained from the other
17 Signatory to this document.

18 PILLSBURY WINTHROP SHAW PITTMAN LLP
19 BRUCE A. ERICSON
20 JEFFREY JACOBI
21 Four Embarcadero Center, 22nd Floor
22 Post Office Box 2824
23 San Francisco, CA 94126-2824

24 By /s/ Bruce A. Ericson
25 Bruce A. Ericson

26 Attorneys for Defendant,
27 WELLS FARGO & COMPANY
28

~~PROPOSED~~ ORDER

All parties hereto having so stipulated, and good cause appearing, IT IS HEREBY ORDERED that, pursuant to Fed. R. Civ. P. 41(a)(2), this action (*Turkle Trust II*) is hereby dismissed with prejudice as to the named plaintiffs only, each side to bear its own attorneys' fees and costs.

IT IS SO ORDERED.

Dated: April 3, 2015.



Hon. Claudia Wilken
Senior United States District Judge